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United States of America,
Plaintiff,
vs.
Aaron Thomas Mitchell,
Defendants

CR 22-01545-TUC-RM (EJM)

SCHEDULING ORDER

AND

ORDER CONTINUING TRIAL DATE AND PLEA DEADLINE

15 This case is presently set for trial on July 5, 2023. The Defendant filed a motion
16 to continue and, for the reasons set forth therein, additional time is required to adequately
17 prepare for trial. The Government has no objection to a continuance.

18 The Court finds the ends of justice served by granting a continuance outweigh the
19 best interests of the public and the Defendant in a speedy trial because, for the reasons set
20 forth in the motion, failure to grant the continuance is likely to result in a miscarriage of
21 justice if the Defendant is required to go to trial on the present trial date.

22 This is the **fifth** motion to continue trial filed in this case; accordingly, the Court
23 issues this Scheduling Order to ensure the prompt disposition of this matter.

IT IS ORDERED the following deadlines shall govern this action:

25 1. **The plea deadline is August 18, 2023 by 3:00 p.m.** The Court has the
26 discretion to reject any plea entered into post-deadline, except a plea to the Indictm

27 2. The trial date is September 6, 2023 at 9:30 a.m.

28 3. Should the Defendants elect to proceed to trial:

(a) All pretrial motions, except motions *in limine*, are referred to the magistrate judge with a Report and Recommendation (R&R) to be provided to the district judge.

(b) Deadlines for filing proposed voir dire, jury instructions, list of witnesses, list of exhibits, and motions *in limine* will be set by future order of this Court.

4. The discovery/disclosure/notice/request deadline is July 4, 2023 for the following:

(a) All requests for disclosure. Disclosure pursuant to such a request shall be made within **seven (7)** days of the request.

(b) The filing by the Government of a notice of its intent to use specified evidence or statements at trial (e.g., Notice of Intent to Use Fed.R.Evid. 404(b) Evidence, Notice of Intent to Use Statement, Notice of Intent to Use Expert Testimony). If such a notice is filed, the Government shall also disclose such evidence or statements within **fourteen (14)** days of the filing of the notice.

(c) The filing of any required notices of defenses. If such a notice is filed, the Government shall provide the responsive disclosure within **fourteen (14)** days of the filing of the notice.

d) A request for a written summary of any expert testimony the Government or the Defendant intends to use at trial, which summary shall be disclosed produced within **seven (7)** days of the request.

5. The pretrial motions deadline is July 18, 2023. Pretrial motions filed, thereafter, without leave of the Court upon a showing of good cause, shall be subject to being stricken and precluded.

6. Any motion to continue the trial date and/or plea deadline that is granted by the Court **DOES NOT EXTEND** the deadline set herein for filing pretrial motions. This matter is referred to the magistrate judge to set and hold a Status Conference.

7. Any motion or stipulation to continue the scheduled trial date and change of plea deadline shall be filed with the Clerk of the Court no later than 5:00 p.m. on

1 **Monday, August 21, 2023. Alternatively, by that same deadline, if after consultation**
2 **between government and defense counsel it is determined that a motion to continue**
3 **the scheduled trial date and change of plea deadline will not be filed, government**
4 **counsel shall notify the Court by an email, to the chambers email address, that the**
5 **case and counsel are ready to proceed to trial on the scheduled trial date. The**
6 **notification shall also include the estimated number of trial days needed to complete**
7 **the trial.**

8 8. Excludable delay under 18 U.S.C. §3161(h)(7) is found to commence on
9 July 6, 2023 and end on September 6, 2023. Such time shall be in addition to other
10 excludable time under the Speedy Trial Act and shall commence as of the day following
11 the day that would otherwise be the last day for commencement of trial.

12 9. Any and all subpoenas previously issued shall remain in full force and effect
13 through the new trial date.

14 Dated this 20th day of June, 2023.

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Honorable Rosemary Márquez
United States District Judge